

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RETHINK35, et al.,

Plaintiffs,

v.

TEXAS DEPARTMENT OF
TRANSPORTATION,

Defendant.

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CIVIL ACTION NO. 1:24-CV-00092-DII

NOTICE OF LODGING OF SUPPLEMENTAL ADMINISTRATIVE RECORD

Defendant hereby lodges with the Court the Supplemental Administrative Record for the Texas Department of Transportation’s decision regarding the I-35 Capital Express Central Project from US 290 East to State Highway 71/Ben White Boulevard (“CapEx Central” or “Project”). The Supplemental Administrative Record for the Project consists of 399 pages (Bates numbered TxDOT-AR052463 through TxDOT-AR052861) contained on one flash drive. This Supplemental Administrative Record supplements TxDOT’s original Administrative Record as lodged with the Court and served on the Plaintiffs on June 11, 2024. The Declaration of Doug Booher (“Declaration”) certifying the Supplemental Administrative Record is attached to this notice. An index of the Supplemental Administrative Record is attached to the Declaration as Exhibit 1.

TxDOT’s voluntary supplementation of the administrative record responds to Plaintiffs’ request that TxDOT include in the administrative record (i) the March 2023 Environmental Guide: Volume 2 Activity Instructions and (ii) comment letters and emails and related attachments received during the Project’s environmental review process. TxDOT originally agreed to

supplement the administrative record to include the second requested category as well, but it determined, upon further review of its administrative record as originally submitted, that no supplementation is required to encompass the second category, as the requested items are already located in the original administrative record. For ease of reference for Plaintiffs and the Court, those items, along with their locations in the original administrative record, are as follows:

- Virtual Public Scoping Meeting #1 Documentation: PDF C-AR062, pages AR01570-AR03775
- Virtual Public Scoping Meeting #2 Documentation: PDF C-AR070, pages AR04049-AR05793
- Public Meeting Documentation: PDF C-AR083, pages AR07884-AR10757
- Public Hearing Documentation: PDF C-AR164, pages AR26373-AR29408

On September 4, 2024, the Supplemental Administrative Record for the Project contained on a flash drive was served on counsel for Plaintiffs, Save Our Springs Alliance, ATTN: Robert J. Levinski, 4701 Westgate Blvd., Ste. D-401, Austin, Texas 78745, phone: (512) 477-2320, ext. 105, and on Rachel S. Doughty, Esq., Greenfire Law, PC, 2748 Adeline Street, Suite A, Berkeley, CA 94703, phone: (510) 900-9502, ext. 706. Two courtesy copies of the Supplemental Administrative Record on flash drives have also been delivered to the United States District Court for the Western District of Texas, U.S. District Clerk's Office, ATTN: Alicia Davis, Divisional Office Manager, 501 West Fifth Street, Suite 1100, Austin, Texas 78701, phone: (512) 916-5896, one for use by the Clerk and one for delivery to the assigned Judge's chambers.

Dated this 4th day of September 2024.

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

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*Attorneys for Defendant,
Texas Department of Transportation*

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2024, I electronically filed the foregoing Notice of Lodging of Supplemental Administrative Record with the Clerk of the Court using the CM/ECF system, which will send notification to registered users.

Two flash drives containing the Supplemental Administrative Record of the Texas Department of Transportation were sent overnight for delivery today to:

United States District Court for the
Western District of Texas
U.S. District Clerk's Office
ATTN: Alicia Davis, Divisional
Office Manager
501 West Fifth Street, Suite 1100
Austin, Texas 78701
Phone: (512) 916-5896

Via Fed Ex: 7783 4088 4253

In addition, a flash drive containing the Supplemental Administrative Record of the Texas Department of Transportation was sent overnight for delivery today to:

Save Our Springs Alliance
ATTN: Robert J. Levinski
4701 West Gate Blvd., D-401
Austin, TX 78745
Phone: 512-477-2320, ext. 105

Via Fed Ex: 7783 4261 3957

Rachel S. Doughty, Esq.
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2748 Adeline Street, Suite A
Berkeley, CA 94703
Phone: (510) 900-9502, ext. 706

Via Fed Ex: 7783 3978 4533

Attorneys for ReThink 35, et al.

/s/ Lisa McClain Mitchell
LISA MCCLAIN MITCHELL
Assistant Attorney General